

## CHAPTER 34

## ELECTIONS

S. F. 384

AN ACT relating to elections.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 43.8, Code 1981, is amended to read as follows:

43.8 STATE COMMISSIONER TO FURNISH BLANKS. The state commissioner shall, at state expense, furnish blank nomination papers, in the form provided in this chapter, to any qualified eligible elector who desires to petition for the nomination of any candidate, or to any person who intends to be a candidate, for any office for which nomination papers are required to be filed in his the state commissioner's office.

Sec. 2. Section 43.66, Code 1981, is amended to read as follows:

43.66 WRITE-IN CANDIDATES. The fact that the candidate who receives the highest number of votes cast for any party's nomination for an office to which section 43.52 or 43.65 is applicable is a person whose name was not printed on the official primary election ballot shall not affect the validity of the person's nomination as a candidate for that office in the general election. However, if there is no candidate on the official primary ballot of a political party for nomination to a particular office, a write-in candidate may obtain the party's nomination to that office in the primary if the candidate receives a number of votes equal to at least thirty-five percent of the total vote cast for all of that party's candidates for that office in the last preceding primary election for which the party had candidates on the ballot for that office. If there have been no candidates from a political party for a seat in the general assembly since the most recent redistricting of the general assembly, a write-in candidate shall be considered nominated who receives a number of votes equal to at least thirty-five percent of the total votes cast, at the last preceding primary election in the precincts which currently constitute the general assembly district, for all of that party's candidates for representative in the congress of the United States or who receives at least one hundred votes, whichever number is greater. When two or more nominees are required, the division procedure prescribed in section 43.52 shall be applied to establish the minimum number of write-in votes necessary for nomination. If the primary is inconclusive, the necessary nominations shall be made in accordance with section 43.78, subsection 1.

Sec. 3. Section 43.88, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Nominations certified to the proper official under this section shall be accompanied by an affidavit executed by the nominee in substantially the form required by section 43.67.

Sec. 4. Section 43.92, Code 1981, is amended to read as follows:

43.92 DATE OF CAUCUS PUBLISHED. The date, time, and place of each precinct caucus of a political party shall be published at least twice in at least one newspaper of general circulation in the precinct. ~~Such~~ The first publication shall be made not more than thirty fifteen days and not nor less than five seven days before the date of the caucus and the second shall be made not more than seven days before and not later than the date of the caucus. Such publication shall also state in substance that each voter affiliated with the specified political party may attend the precinct caucus. Publication in a news item or advertisement in such newspaper shall constitute publication for the purposes of this section. The cost of such publication, if any, shall be paid by the political party.

Sec. 5. Section 44.3, subsection 1, paragraph e, Code 1981, is amended to read as follows:

e. In case of presidential ~~electors~~ candidates, the names and addresses of presidential electors shall be stated, and the names of the candidates for president and vice president shall be added to the name of the organization.

Sec. 6. Section 44.13, Code 1981, is amended to read as follows:

44.13 CERTIFICATES IN MATTER OF VACANCIES. The certificates of nominations made to supply such vacancies shall state, in addition to the facts and candidate's affidavit required in an original certificate, the name of the original nominee, the date of his death or declination of nomination, or the fact that the former nomination has been held insufficient or inoperative, and the measures taken in accordance with the above requirements for filling a vacancy, and shall be signed and sworn to by the presiding officer and secretary of the convention, or caucus, or by the chairman and secretary of the committee, as the case may be.

Sec. 7. Section 45.1, Code 1981, is amended to read as follows:

45.1 NOMINATIONS BY PETITION. Nominations for candidates for president and vice president and for state offices may be made by nomination ~~paper-or~~ papers signed by not less than one thousand eligible electors of the state; for candidates for offices filled by the voters of a county, district or other division by ~~such~~ papers signed by eligible electors residing in the county, district or division equal in number to at least two percent of the total vote received by all candidates for president of the United States or governor, as the case may be, at the last preceding general election in ~~such~~ the county, district or division; and for township, city or ward, by ~~such~~ papers signed by not less than twenty-five eligible electors, residents of ~~such~~ the township, city or ward. In the case of candidates for president and vice president, the names and addresses of the candidates for presidential electors shall be printed on the face of or attached to each page of the nomination petition.

Sec. 8. Section 47.1, Code 1981, is amended to read as follows:

47.1 STATE COMMISSIONER OF ELECTIONS. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of elections which shall be under the direction of the state commissioner of elections. The

state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform ~~such~~ the duties ~~as may be~~ assigned by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures, shall prescribe the necessary forms required for the conduct of elections, shall assign a number to each proposed constitutional amendment and statewide public measure for identification purposes, and shall adopt rules, pursuant to chapter 17A, to carry out ~~the provisions of~~ this section.

Sec. 9. Section 47.2, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The commissioner shall assign each local public measure a letter for identification purposes. The public measure on the ballot shall be identified by the letter.

The county commissioner who is responsible under subsection 2 for conducting the elections held for a political subdivision which lies in more than one county shall assign the letter to the public measure. The county commissioners of elections of the other counties in which the political subdivision is located shall not assign the same letter to a local public measure on the ballot in their counties during the same election.

Sec. 10. Section 47.7, subsection 1, Code 1981, is amended to read as follows:

1. The senior administrator of data processing services in the office of the state comptroller is designated the state registrar of voters, and shall regulate the preparation, preservation and maintenance of voter registration records, the preparation of precinct election registers for all elections administered by the commissioner of any county, and the preparation of other data on voter registration and participation in elections as shall be requested and purchased at actual cost of preparation and production by a political party or any resident of this state, ~~except as otherwise provided by section 48.5, subsection 2, paragraph "d"~~. The registrar shall maintain a log, which shall be a public record, showing all lists and reports which have been requested or generated or which are capable of being generated by existing programs of the data processing services in the office of the state comptroller.

Sec. 11. Section 48.5, subsection 2, paragraph d, Code 1981, is amended by striking the paragraph.

Sec. 12. Section 48.5, subsection 2, paragraphs a and e, Code 1981, are amended to read as follows:

a. Each list shall be produced in the order and form specified by the requestor, so long as that order and form are within the capacity of the record maintenance system used by the registrar; however, the available residential telephone number provided by the registrant shall be included if requested.

e. A periodic updating of the registration lists showing all additions, changes and deletions since the previous updating shall be provided at least once each fourteen days except during the two weeks prior to the close of registration before any election, when it shall be provided daily if requested. Each requester under this paragraph shall receive the updating

data at the same time, which shall be determined by the registrar, but in an order and form specified by the requester. Each requester, ~~except those who obtained the initial list of qualified electors under paragraph "d" of this subsection,~~ shall pay the cost of duplicating the updating data before receiving a copy thereof.

Sec. 13. Section 48.5, subsection 3, Code 1981, is amended to read as follows:

3. ~~Neither the~~ The duplicate registration records open to public inspection ~~nor~~ and any list obtained under subsection 2 shall be used ~~for any purpose of any kind or nature, other than~~ only to request a registrant's vote or for any other bona fide political purpose or for a bona fide official purpose by an elected official. The commissioner or registrar shall keep a list of the name, address, telephone number, and social security number of each person who copies or obtains copies of the registration lists. Any person that uses such lists in violation of this section shall, upon conviction, be guilty of a serious misdemeanor.

Sec. 14. Section 48.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Residential telephone number at the option of the applicant.

Sec. 15. Section 48.6, subsection 6, Code 1981, is amended to read as follows:

6. Ward, precinct, school district, and such other districts in which the registrant resides which are empowered to call special elections. To assist in making this determination the commissioner may also request other information including but not limited to ~~telephone number,~~ fire district number or township, range and section number of the location of the applicant's residence. The commissioner may if necessary obtain the needed information from other sources, but shall in no case decline to register an applicant because the applicant is unable to provide any of the information referred to in this subsection.

Sec. 16. Section 48.7, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

48.7 NOTICE OF CHANGE OF NAME OR ADDRESS.

1. A qualified elector may record a legal change of name or a change of telephone number or address, for voter registration purposes, by one of the following methods:

a. The qualified elector may submit to the commissioner a written notice of the change of name, telephone number, or address, bearing the elector's signature. Upon receipt of the notice, the commissioner shall change the registration records accordingly and the change shall be reflected in the election registers prepared for the next election held ten or more days after receipt of the qualified elector's notice. If the notice received by the commissioner does not contain the information regarding name and address necessary to properly update the registration records, the commissioner shall immediately send notice to the elector, by forwardable mail directed to the elector's last known address, that the elector's registration is defective. The commissioner's notice shall advise the elector of the corrections necessary.

b. A qualified elector may record a change of name, telephone number, or address on election day at the polling place for the precinct in which the elector currently resides, if the elector's name or former name appears on the election register of that polling place for the election being held that day. The precinct election officials shall furnish such a qualified elector a registration form of the type prescribed for use by electors registering under section 48.3. The elector shall complete the form and submit it to the precinct election officials, who shall return it to the commissioner with the election supplies. If the qualified elector's former address and new address are in different counties, the registration form completed by the qualified elector shall be forwarded to the commissioner of the elector's current county of residence by the commissioner conducting the election.

2. The commissioner shall record a change of address for a qualified elector, without the necessity of action by the elector, in any of the following circumstances in which the elector's mailing address is changed but the elector's place of residence has not actually changed:

a. Annexation of territory to a city. When a city annexes territory, the city clerk shall furnish the commissioner a detailed map of the annexed territory. The commissioner shall change the registration of persons residing in that territory to reflect the annexation and the city precinct to which each of those persons is assigned. If the commissioner cannot determine the names and addresses of the persons affected by the annexation, the commissioner shall send each person who may be involved a letter informing that person that his or her registration may be in error, and requesting that each person provide the commissioner the information necessary to correct the registration records.

b. Change of official street name or house or building number by a city. When the city changes the name of a street or the number of a house or other building in which an individual resides, the city clerk shall inform the commissioner of the change, and the commissioner shall change the registration of each person affected.

c. Change of rural route designation of the residence of a qualified elector. The commissioner shall request each postmaster in the county to inform the commissioner of each change of rural route designation and the names of the persons affected, and shall change the registration of each such person as appropriate.

Sec. 17. Section 48.8, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The ~~county~~ commissioner ~~of registration~~ shall prepare an election register for each county precinct between the time of the closing of registration and election day. The election register shall be a copy of the list of all qualified electors of the precinct and shall be in a form prescribed by the state ~~commissioner of elections~~ voter registration commission.

Sec. 18. Section 48.10, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

48.10 DECEASED PERSONS--RECORD. The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, on or before the tenth day of each month, a certified list of all persons

seventeen and one-half years of age and older in the state whose deaths have been reported to the records and statistics division of the department of health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters, who shall determine whether each listed decedent was registered to vote in this state. If the decedent was registered in a county which uses its own data processing facilities for voter registration record-keeping, the registrar shall notify the commissioner in that county who shall cancel the decedent's registration. If the decedent was registered in a county for which voter registration record-keeping is performed under contract by the registrar, the registrar shall immediately cancel the registration and notify the commissioner of the county in which the decedent was registered to vote of the cancellation.

Sec. 19. Section 48.11, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Registration shall close in a precinct at five o'clock p.m., ten days before an a general or primary election and eleven days before all other elections, except as provided in section 48.3. The commissioner's office shall be open from eight o'clock a.m. until at least six o'clock p.m. on the day registration closes prior to each regularly scheduled election.

Sec. 20. Section 48.15, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

#### 48.15 CHALLENGES OF VOTER REGISTRATIONS.

1. A person may challenge the registration to vote of any other person, by filing an individual challenge in writing with the commissioner of the county in which the person challenged is registered. The written challenge need not be in detail, but must allege one or more reasons why, under law, the registration of the person challenged should not have been accepted or should be canceled.

2. A challenge of a person's registration filed less than seventy days prior to a regularly scheduled election need not be processed by the commissioner prior to that election unless the registration, change of name or change of address has been recorded within twenty days prior to the date of the challenge.

3. The commissioner shall immediately give five days' notice of a hearing, by certified mail, to the person whose registration is challenged and to the challenger. The notice shall set forth the reason for the challenge as stated by the challenger. The person challenged may either appear in person at the hearing, or respond in writing addressed to the commissioner and delivered by mail or otherwise prior to the time set for the hearing. However, if the person challenged notifies the commissioner prior to the date set for the hearing that the person wishes to appear in person but will be unable to do so on the date specified, the commissioner may reschedule the hearing. On the basis of the evidence presented by the challenger and the challenged elector, the commissioner shall either cancel the registration of the challenged elector or reject the challenge. Either party may appeal to the district court of the county in which the challenge is made, and the decision of the court shall be final.

Sec. 21. Section 48.31, subsection 1, Code 1981, is amended to read as follows:

1. The elector fails to vote once in the last preceding four consecutive calendar years after the elector's most recent registration or change of name, address or party affiliation, or after the elector most recently voted. For the purpose of this subsection, registration includes the submission of a registration form which makes no change in the elector's existing registration.

Sec. 22. Section 48.31, subsection 3, Code 1981, is amended by striking the subsection.

Sec. 23. Section 48.32, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

48.32 REPORTS. On March 1 of each year and at other times deemed appropriate, the registrar shall report the number of persons registered in each political party in each county.

Sec. 24. Section 49.11, subsection 3, Code 1981, is amended to read as follows:

3. Notwithstanding the provisions of the first unnumbered paragraph of this section the commissioner may consolidate precincts for any election including a primary and general election ~~if one~~ under either of the following circumstances:

a. One of the precincts involved consists entirely of dormitories that are closed at the time the election is held.

b. The consolidated precincts, if established as a permanent precinct, would meet all requirements of section 49.3, and a combined total of no more than three hundred fifty voters voted in the consolidated precincts at the last preceding similar election.

Sec. 25. Chapter 49, Code 1981, is amended by inserting after section 49.13 the following new section:

NEW SECTION. SUBSTITUTE PRECINCT ELECTION OFFICIALS.

1. The commissioner may appoint substitute precinct election officials as alternates for election board members. A majority of the original election board members shall be present at the precinct polling place at all times; at partisan elections such majority shall include at least one precinct election official from each political party. If the chairperson leaves the polling place, he or she shall designate another member of the board to serve as chairperson until the chairperson returns. The responsibilities and duties of a precinct election official present at the time the polling place was opened on the day of an election may be assumed at any later time that day by a substitute appointed as an alternate. The substitute shall serve either for the balance of that election day or for any shorter period of time the commissioner may designate.

2. Substitute precinct election officials shall be appointed and shall serve in accordance with sections 49.12, 49.13, 49.15, and 49.16, and shall receive compensation as provided by sections 49.19, 49.20, and 49.125. Upon arriving at the polling place and prior to performing any official duty, a substitute precinct election official shall take the oath required by section 49.75.

3. The commissioner shall not employ substitute precinct election officials in a partisan election unless:

a. The election board panel drawn up pursuant to section 49.15 contains the names of a sufficient number of political party designees to permit appointment of both the regular precinct election officials and any substitute precinct election officials from that panel; or

b. The commissioner has informed the county chairpersons of the political parties referred to in section 49.13, subsection 2, thirty days prior to the date of the election, of intent to appoint substitute precinct election officials and has allowed ten days thereafter for the respective county chairpersons to provide additional names of persons from whom the substitute precinct election officials shall be appointed. If a county chairperson fails to provide additional names after being so notified, the commissioner may appoint persons known to be members of the appropriate political party or parties.

Sec. 26. Section 49.21, unnumbered paragraph 4, Code 1981, is amended to read as follows:

In the selection of polling places, ~~consideration~~ preference shall also be given to the use of buildings accessible to elderly and physically disabled persons.

Sec. 27. Section 49.44, Code 1981, is amended to read as follows:

49.44 STATE COMMISSIONER TO PREPARE SUMMARY. When a proposed constitutional amendment or other public measure to be decided by the voters of the entire state is to be voted upon, the state commissioner shall prepare a written summary of the amendment or measure including the number of the amendment or statewide public measure assigned by the state commissioner. The summary shall be printed immediately preceding the text of the proposed amendment or measure on the paper ballot referred to in section 49.43 and, in precincts where the amendment or measure will be voted on by machine, shall be placed in the voting machine inserts as required by section 52.25.

Sec. 28. Section 49.45, Code 1981, is amended to read as follows:

49.45 GENERAL FORM OF BALLOT. Ballots referred to in section 49.43 shall be substantially in the following form:

"Shall the following amendment to the Constitution (or public measure) be adopted?" Yes \_\_\_\_\_ No \_\_\_\_\_

(Here insert the summary, if it be for a constitutional amendment or state-wide public measure, and in full the proposed constitutional amendment or public measure. The number assigned by the state commissioner or the letter assigned by the county commissioner shall be included on the ballot.)

Sec. 29. Section 49.68, subsection 8, Code 1981, is amended by striking the subsection.

Sec. 30. Section 49.89, Code 1981, is amended to read as follows:

49.89 SELECTION OF OFFICIALS TO ASSIST VOTERS. At, or before, the opening of the polls, the election board of each precinct shall select two members of the board, of different political parties in the case of any

election in which candidates appear on the ballot under the heading of either of the political parties referred to in section 49.13, to assist voters who may be unable to cast their votes without assistance. Voters who are blind or physically disabled may have the assistance of any person they may select.

Sec. 31. Section 49.90, Code 1981, is amended to read as follows:

49.90 ASSISTING VOTER. Any voter who may declare upon oath that he or she cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by said two officers, or alternatively by any other person the voter may select if the voter is blind or physically disabled in casting the vote. Said officers, or person selected by the blind or physically disabled voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the same. If any elector because of a handicap cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the handicapped elector and allow the elector to cast the ballot in the vehicle. If a handicapped elector cannot cast a ballot on a voting machine the elector shall be allowed to cast a paper ballot, which shall be opened immediately after the closing of the polling place by the two precinct election officials designated under section 49.89, who shall register the votes cast thereon on a voting machine in the polling place before the votes cast there are tallied pursuant to section 52.21. To preserve so far as possible the confidentiality of each handicapped elector's ballot, the two officers shall proceed substantially in the same manner as provided in section 53.24. In precincts where all voters use paper ballots, those cast by handicapped voters shall be deposited in the regular ballot box and counted in the usual manner.

Sec. 32. Section 49.104, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner prior to election day. If more than three such persons file a notice of intent with respect to ballot issues at any election, the commissioner shall appoint from those submitting a notice of intent three persons to serve as observers. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

Sec. 33. Section 49.109, Code 1981, is amended to read as follows:

49.109 EMPLOYEES ENTITLED TO TIME TO VOTE. Any person entitled to vote at a ~~general~~ an election in this state who does not have three consecutive hours in the period between the time of the opening and the time of the closing of the polls during which ~~he~~ the person is not required to be present at work for an employer, ~~shall be~~ is entitled to such time off from ~~his~~ work time to vote as will in addition to ~~his~~ the person's nonworking time total three consecutive hours during the time the polls are open. Application by any employee for such absence shall be made individually and in writing prior to the date of the election, and the employer shall designate the period of time to be taken. ~~Such voter shall~~ The employee is not be liable to any

penalty nor shall any deduction be made from ~~his~~ the person's regular salary or wages on account of such absence.

Sec. 34. Chapter 50, Code 1981, is amended by adding the following new section:

NEW SECTION. GENERAL RECOUNT PROVISIONS.

1. The county board of canvassers shall order a recount of the votes cast for a particular office or nomination in one or more specified election precincts in that county if a written request therefor is made not later than five o'clock p.m. on the third day following the county board's canvass of the election in question. The request shall be filed with the commissioner of that county, or with the commissioner responsible for conducting the election if section 47.2, subsection 2 is applicable, and shall be signed by either of the following:

a. A candidate for that office or nomination whose name was printed on the ballot of the precinct or precincts where the recount is requested.

b. Any other person who receives votes for that particular office or nomination in the precinct or precincts where the recount is requested and who is legally qualified to seek and to hold the office in question.

This section does not apply to an election held by a city which is not the final election for the office in question.

2. The candidate requesting a recount under this section shall post a bond, unless the abstracts prepared pursuant to section 50.24, or section 43.49 in the case of a primary election, indicate that the difference between the total number of votes cast for the apparent winner and the total number of votes cast for the candidate requesting the recount is less than the greater of fifty votes or one percent of the total number of votes cast for the office or nomination in question. Where votes cast for that office or nomination were canvassed in more than one county, the abstracts prepared by the county boards in all of those counties shall be totaled for purposes of this subsection. If a bond is required, it shall be filed with the state commissioner for recounts involving a state office, including a seat in the general assembly, or a seat in the United States Congress, and with the commissioner responsible for conducting the election in all other cases, and shall be in the following amount:

a. For an office filled by the electors of the entire state, one thousand dollars.

b. For United States representative, five hundred dollars.

c. For senator in the general assembly, three hundred dollars.

d. For representative in the general assembly, one hundred fifty dollars.

e. For an office filled by the electors of an entire county having a population of fifty thousand or more, two hundred dollars.

f. For any elective office to which paragraphs a through e of this subsection are not applicable, one hundred dollars.

After all recount proceedings for a particular office are completed and the official canvass of votes cast for that office is corrected or completed pursuant to subsections 5 and 6, if necessary, any bond posted under this subsection shall be returned to the candidate who requested the recount if the apparent winner before the recount is not the winner as shown by the

corrected or completed canvass. In all other cases, the bond shall be deposited in the general fund of the state if filed with the state commissioner or in the election fund of the county with whose commissioner it was filed.

3. The recount shall be conducted by a board which shall consist of:

a. A designee of the candidate requesting the recount, who shall be named in the written request when it is filed.

b. A designee of the apparent winning candidate, who shall be named by that candidate at or before the time the board is required to convene.

c. A person chosen jointly by the members designated under paragraphs a and b of this subsection.

The commissioner shall convene the persons designated under paragraphs a and b of this subsection not later than nine o'clock a.m. on the seventh day following the county board's canvass of the election in question. If those two members cannot agree on the third member by eight o'clock a.m. on the ninth day following the canvass, they shall immediately so notify the chief judge of the judicial district in which the canvass is occurring, who shall appoint the third member not later than five o'clock p.m. on the eleventh day following the canvass.

4. When all members of the recount board have been selected, the board shall undertake and complete the required recount as expeditiously as reasonably possible. Any member of the recount board may at any time during the recount proceedings extend the recount of votes cast for the office or nomination in question to any other precinct or precincts in the same county, or from which the returns were reported to the commissioner responsible for conducting the election, without the necessity of posting additional bond. At the conclusion of the recount, the recount board shall make and file with the commissioner a written report of its findings, which shall be signed by at least two members of the recount board. The recount board shall complete the recount and file its report not later than the eighteenth day following the county board's canvass of the election in question.

5. If the recount board's report is that the abstracts prepared pursuant to the county board's canvass were incorrect as to the number of votes cast for the candidates for the office or nomination in question, in that county or district, the commissioner shall at once so notify the county board. The county board shall reconvene within three days after being so notified, and shall correct its previous proceedings.

6. The commissioner shall promptly notify the state commissioner of any recount of votes for an office to which section 50.30 or section 43.60 in the case of a primary election, is applicable. If necessary, the state canvass required by section 50.38, or by section 43.63, as the case may be, shall be delayed with respect to the office or the nomination to which the recount pertains. The commissioner shall subsequently inform the state commissioner at the earliest possible time whether any change in the outcome of the election in that county or district resulted from the recount.

Sec. 35. Section 50.21, Code 1981, is amended to read as follows:

50.21 SPECIAL PRECINCT BOARD RECONVENED. The commissioner shall reconvene the election board of the special precinct established by section

53.20 at noon on the third day following each election which is required by law to be canvassed on the Monday following the election. If the third day following such an election is a legal holiday the special precinct election board shall be convened at noon on the second day following the election, and if the canvass of the election is required at any earlier time earlier than the Monday following the election, the special precinct election board shall be reconvened at noon on the day following the election. If no challenged ballots were cast in the county pursuant to section 49.81 at any election, the special precinct election board need not be so reconvened. If the number of challenged ballots so cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required, but in so doing shall observe the requirements of sections 49.12 and 49.13.

Sec. 36. Section 53.17, Code 1981, is amended to read as follows:

53.17 MAILING OR DELIVERING BALLOT. The sealed envelope containing the absentee ballot shall be enclosed in a carrier envelope which shall be securely sealed. The sealed carrier envelope shall be delivered by the qualified elector or his or her designee to the commissioner or a deputy in his or her office, or mailed, postage paid, to the office of the commissioner. The carrier envelope shall be received by the commissioner until ~~eight-o'clock-p.m.~~ the time the polls are closed on election day. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour on election day, and shall seek to arrange for any absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to the time the polls are closed.

Sec. 37. Section 53.22, subsection 1, paragraph c, Code 1981, is amended to read as follows:

c. The special precinct election officers shall both notarize each absent voter's affidavit as required by section 53.16; any such officer who is not a notary public shall be provided with a stamp containing that person's name and the words "special precinct election officer" and may notarize the absentee affidavits so delivered by signing them and applying the stamp. The special precinct election officers shall travel together in the same vehicle and both shall be present when an applicant casts his or her absentee ballot. If either or both of the special election officers fails to appear at the time the duties set forth in this section are to be performed, the commissioner shall at once appoint some other person, giving preference to persons designated by the respective county chairpersons of the political parties described in section 49.13, to carry out the requirements of this section. The persons authorized by this subsection to deliver an absentee ballot to an applicant may assist the applicant in filling out the ballot as permitted by section 49.90. The voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day. On election day the officers shall return the sealed container by the time the polls are closed.

Sec. 38. Section 54.5, Code 1981, is amended to read as follows:

54.5 PRESIDENTIAL NOMINEES. The names of the candidates for president and vice president, ~~respectively~~, of a political party as defined in the law relating to primary elections, shall, ~~at least sixty-five days by five o'clock p.m. on the sixty-seventh day~~ prior to the election, be certified to the state commissioner by the ~~chairman~~ chairperson and secretary of the state central committee of ~~said~~ the party.

Sec. 39. Section 57.1, subsection 2, paragraph c, Code 1981, is amended to read as follows:

c. That prior to the election the incumbent had been duly convicted of an infamous crime, and that the judgment had not been reversed, annulled or set aside, nor the incumbent pardoned or restored to the rights of citizenship by the governor under section 248.12, at the time of the election.

Sec. 40. Section 57.6, Code 1981, is amended to read as follows:

57.6 OTHER CONTESTS. All the provisions of the chapter in relation to contested elections of county officers shall be applicable, as near as may be, to contested elections for other offices, and for public measures except as herein otherwise provided, and in all cases process and papers may be issued to and served in the manner provided by the rules of civil procedure for service of an original notice by the sheriff of any county.

Sec. 41. Section 58.2, Code 1981, is amended to read as follows:

58.2 NOTICE TO INCUMBENT. As soon as the presiding officers have received the notice and specifications, they shall make out a notice, directed to the incumbent, including a copy of the specifications, which shall be served in the manner provided by the rules of civil procedure for service of an original notice by the sergeant at arms.

Sec. 42. Section 59.1, Code 1981, is amended to read as follows:

59.1 STATEMENT SERVED. The contestant for a seat in either branch of the general assembly shall, prior to twenty days before the first day of the next session, serve on the incumbent in the manner provided by the rules of civil procedure for service of an original notice a statement of notice of contest which shall allege a fact or facts, believed true by the contestant which, if true, would alter the outcome of the election.

Sec. 43. Section 60.4, Code 1981, is amended to read as follows:

60.4 STATEMENT. The contestant shall file the statement provided for in chapter 62 in the office of the secretary of state within ten days from the day on which the returns are canvassed by the state board of canvassers, and, within the same time, serve a copy of the same, with a notice of the contest, on the incumbent in the manner provided by the rules of civil procedure for service of an original notice.

Sec. 44. Section 61.10, Code 1981, is amended to read as follows:

61.10 NOTICE TO INCUMBENT--TRIAL. Upon the organization of said court of contest, the court shall cause a notice of said contest to be served on the incumbent, together with a copy of the statement of contest filed by the contestant in the manner provided by the rules of civil procedure for service of an original notice. No trial shall be held sooner than twenty days following said notice, except by consent of all parties.

Sec. 45. Section 69.12, unnumbered paragraph 1, Code 1981, is amended to read as follows:

When a vacancy occurs in any nonpartisan elective office of a political subdivision of this state, and the statutes governing the office in which the vacancy occurs require that it be filled by election or are silent as to the method of filling the vacancy, it shall be filled pursuant to this section. As used in this section, "pending election" means any election at which there will be on the ballot either the office in which the vacancy exists, or any other office to be filled or any public question to be decided by the voters of the same political subdivision.

Sec. 46. Section 372.13, subsection 2, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

2. A vacancy in an elective city office during a term of office shall be filled, at the council's option, by one of the two following procedures:

a. By appointment by the remaining members of the council, except that if the remaining members do not constitute a quorum of the full membership, paragraph b shall be followed. The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the council chooses to proceed under this paragraph, it shall publish notice in the manner prescribed by section 362.3, stating that the council intends to fill the vacancy by appointment but that the electors of the city or ward, as the case may be, have the right to file a petition requiring that the vacancy be filled by a special election. The council may publish notice in advance if an elected official submits a resignation to take effect at a future date. The council may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, whichever is later, there is filed with the city clerk a petition which requests a special election to fill the vacancy and which is signed by eligible electors who are, or would be if registered, entitled to vote to fill the office in question, equal in number to two percent of those who voted for candidates for the office at the last preceding regular election at which the office was on the ballot, but not less than ten persons, an appointment to fill the vacancy is temporary and the council shall call a special election to fill the vacancy permanently, under paragraph b.

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph a, the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called at the earliest practicable date. If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date. A special election held under this subsection is subject to neither a primary election nor runoff, even if such an election is required when the office in question is filled at a regular city election, and the candidate receiving a plurality of the vote is elected.

Sec. 47. Section 420.41, subsection 1, paragraph d, Code 1981, is amended to read as follows:

d. In respect of the election or appointment of a clerk, treasurer, police magistrate and marshal or in respect of the authority, functions, duties or compensation of any ~~thereof~~ of these except that section 372.13, subsection 2, applies in respect to a vacancy in any of these elective offices and to a vacancy in any other city elective office.

Sec. 48. Sections 43.56, 43.57, and 43.58, Code 1981, are repealed.

Sec. 49. The Code editor shall prepare a compilation of the election laws of this state as soon as reasonably possible after the effective date of this section. The superintendent of printing shall cause not less than five thousand copies of the compilation to be printed, and an additional five thousand to be printed if the initial supply of five thousand runs out. The cost of preparing and printing the compilation shall be paid from the appropriation provided by section 14.22.

Sec. 50. The compilation of election laws printed pursuant to section 49 of this Act shall be distributed by the superintendent of printing. Each county shall be provided with a sufficient number of copies to enable the county commissioner of elections to distribute one copy to each political party county central committee chairperson, the secretary of each school board for which the commissioner conducts an election, each city clerk, each public library and each secondary school library. These persons and libraries shall be informed in some suitable manner that they may obtain a copy of the compilation free of charge from the county commissioner's office. All copies remaining after the foregoing requirements have been satisfied shall be distributed free of charge in reasonable quantities to persons requesting them.

Approved June 15, 1981

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## CHAPTER 35

### CAMPAIGN DISCLOSURE TAX CHECKOFF

H. F. 743

AN ACT to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the campaign disclosure-income tax checkoff Act.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 56.2, subsection 4, paragraph b, unnumbered paragraph 2, and subsections 6 and 13, Code 1981, are amended to read as follows:

"Contribution" shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate candidate's committee or political committee or a state or county statutory political